

LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
REBECCA A. PETERSON (241858)  
ROBERT K. SHELQUIST  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981  
E-mail: [rkshelquist@locklaw.com](mailto:rkshelquist@locklaw.com)  
[rapeterson@locklaw.com](mailto:rapeterson@locklaw.com)

Attorneys for Plaintiff

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS ROUPE, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BIG HEART PET BRANDS, INC., a  
Delaware corporation,

Defendant.

Case No. 4:18-cv-01465-JSW

Related Cases:

Mullins (4:18-cv-00861-JSW)

Sebastiano (4:18-cv-01466-JSW)

Sturm (4:18-cv-01099-JSW)

Williamson (4:18-cv-01663-JSW)

**STIPULATION AND  
[PROPOSED] ORDER  
CONSOLIDATING RELATED  
ACTIONS AND APPOINTING A  
LEADERSHIP STRUCTURE FOR  
PLAINTIFFS**

**WHEREAS**, there are presently actions pending in this District against defendant Big Heart Pet Brands, Inc. ("Big Heart Pet Brands" or "Defendant"): *Mullins v. Big Heart Pet Brands, Inc.*, Case No. 4:18-cv-00861-JSW; *Roupe v. Big Heart Pet Brands, Inc.*, Case No. 3:18-cv-01465-JSW; *Sebastiano v. Big Heart Pet Brands, Inc.*; Case No. 3:18-cv-01466-JSW; *Sturm v. Big Heart Pet Brands, Inc.*, Case No. 3:18-cv-01099-JSW; and *Williamson, et al. v. Big Heart Pet Brands, Inc.*, Case No. 3:18-cv-01663-JSW (together, the "Related Actions");

**WHEREAS**, under Fed. R. Civ. P. 42(a), when actions involve "a common question of law or fact," the Court may "(1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.";

**WHEREAS**, the Related Actions challenge similar alleged conduct by Big Heart Pet Brands and involve common questions of law and fact;

**WHEREAS**, the Parties therefore respectfully submit that consolidation of the Related Actions is appropriate;

**WHEREAS**, to avoid potentially duplicative actions and to prevent any waste of the Court's resources, the Parties agree that the Related Actions should be related and consolidated for all purposes under Fed. R. Civ. P. 42(a), including pre-trial proceedings and trial, into a single consolidated action (hereinafter referred to as the "Consolidated Action");

**WHEREAS**, Plaintiffs wish to designate lead counsel ("Leadership Structure");

**WHEREAS**, Defendant takes no position as to the proposed Leadership Structure and designation of Plaintiffs' Lead Counsel and Plaintiffs' Executive Committee in this stipulation;

**WHEREAS**, the Parties have met and conferred and agree that Plaintiffs shall file a single consolidated complaint for the Related Actions by May 4, 2018; and

1       **WHEREFORE**, the Parties, through their undersigned counsel, hereby agree,  
2 stipulate, and respectfully request that the Court enter an Order as follows:

3       1. Defendant hereby acknowledges service of the summons and complaint in  
4 each of the Related Actions. Aside from defenses and objections related to the absence of  
5 a summons or service, Defendant expressly reserves all defenses and objections to the  
6 complaints filed in each of the Related Actions and any complaints filed in the  
7 Consolidated Action.

8       2. Defendant need not answer, move or otherwise respond to any of the  
9 complaints currently filed in the Related Actions.

10       3. Defendant further reserves its right to seek transfer of the Consolidated  
11 Action or, if additional actions are filed in other venues, seek designation of a multi-district  
12 litigation.

13       4. The following actions shall be consolidated for all purposes, including pre-  
14 trial proceedings and trial, into one consolidated action:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>Mullins v. Big Heart Pet Brands, Inc..</i>	3:18-cv-00861-JSW	February 9, 2018
<i>Roupe v. Big Heart Pet Brands, Inc..</i>	3:18-cv-01465-JSW	March 7, 2018
<i>Sebastiano v. Big Heart Pet Brands, Inc..</i>	3:18-cv-01466-JSW	March 7, 2018
<i>Sturm v. Big Heart Pet Brands, Inc.</i>	3:18-cv-01099-JSW	February 21, 2018
<i>Williamson, et al., v. Big Heart Pet Brands, Inc.</i>	3:18-cv-01663-JSW	March 16, 2018

21       5. Every pleading filed in the Consolidated Action, or in any separate action  
22 included herein, must bear the following caption:

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE BIG HEART PET BRANDS  
LITIGATION

This Document Relates To:

ALL ACTIONS.

Lead Case No. 4:18-cv-00861-JSW

(Consolidated with No. 3:18-cv-01465;  
3:18-cv-01466; 3:18-cv-01099; and  
3:18-cv-01663)

Hon. Jeffrey S. White  
Courtroom: 5, 2<sup>nd</sup> Floor

6. The files of the Consolidated Action will be maintained in one master file under Lead Case No. 4:18-cv-00861-JSW.

7. Lead Counsel for Plaintiffs for of the Consolidated Action, *In re Big Heart Pet Brands Litigation*, Lead Case No. 4:18-cv-00861-JSW, is designated as follows:

LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
ROBERT K. SHELQUIST  
REBECCA A. PETERSON (241858)  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981  
E-mail: [rkshelquist@locklaw.com](mailto:rkshelquist@locklaw.com)  
[rapeterson@locklaw.com](mailto:rapeterson@locklaw.com)

8. Plaintiffs' Lead Counsel will be responsible for coordinating all activities and appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. Defendant's counsel may rely upon all agreements made with Plaintiffs' Lead Counsel, or other duly authorized representative of Plaintiffs' Lead Counsel, and such agreements will be binding on Plaintiffs.

9. Plaintiffs' Executive Committee for the Consolidated Action, *In re Big Heart Pet Brands Litigation*, Lead Case No. 4:18-cv-00861-JSW, is designated as follows:

ROBBINS ARROYO LLP  
600 B Street, Suite 1900  
San Diego, CA 92101  
Telephone: (619) 525-3990

CUNEO GILBERT & LADUCA, LLP  
4725 Wisconsin Ave NW, Suite 200  
Washington, DC 20016  
Telephone: 202-789-3960

GUSTAFSON GLUEK, PLLC  
Canadian Pacific Plaza  
120 South 6th Street, Suite 2600  
Minneapolis, MN 55402  
Telephone: (612) 333-8844

LITE DEPALMA GREENBERG, LLC  
570 Broad Street, Suite 1201  
Newark, NJ 07102  
Telephone: (973) 623-3000

10. If a case that properly belongs as part of *In re Big Heart Pet Brands Litigation*, Lead Case No. 4:18-cv-00861-JSW, is hereafter filed in this Court or transferred to this Court from another court, Plaintiffs' Lead Counsel shall promptly call to the attention of the Clerk of the Court the filing or transfer of any case that might properly be consolidated as part of *In re Big Heart Pet Brands Litigation*, Lead Case No. 4:18-cv-00861-JSW.

11. In the interest of efficiency and avoidance of unnecessary duplication of effort or judicial resources by the Court or the Parties, it is further Ordered that (i) Plaintiffs shall file a consolidated complaint on or before May 4, 2018; and (ii) the Parties shall meet and confer within seven (7) days of that filing and propose a schedule with the Court regarding further proceedings in the Consolidated Action, including the filing of Defendant's anticipated motion to dismiss, which will be due no less than 60 days after the filing of the consolidated complaint.

12. Pursuant to Fed. R. Civ. P. 5(b)(2)(E), all parties consent to service by e-mail of any document required to be served in the Consolidated Action. Service on Plaintiffs' Lead Counsel will constitute service on Plaintiffs in this action.

**IT IS SO STIPULATED.**

1  
2 Dated: April 3, 2018

LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
REBECCA A. PETERSON (241858)  
ROBERT K. SHELQUIST

3  
4 s/ Rebecca A. Peterson

5 100 Washington Avenue South, Suite 2200  
6 Minneapolis, MN 55401  
7 Telephone: (612) 339-6900  
8 Facsimile: (612) 339-0981  
9 E-mail: rkshelquist@locklaw.com  
rapeterson@locklaw.com

10 ROBBINS ARROYO LLP  
11 KEVIN A. SEELY (199982)  
12 STEVEN M. MCKANY (271405)  
13 600 B Street, Suite 1900  
14 San Diego, CA 92101  
15 Telephone: (619) 525-3990  
16 Facsimile: (619) 525-3991  
17 E-mail: kseely@robbinsarroyo.com  
smckany@robbinsarroyo.com

18 GUSTAFSON GLUEK, PLLC  
19 DANIEL E. GUSTAFSON  
20 KARLA M. GLUEK  
21 JOSEPH C. BOURNE (308196)  
22 RAINA C. BORRELLI  
23 Canadian Pacific Plaza  
24 120 South 6th Street, Suite 2600  
25 Minneapolis, MN 55402  
26 Telephone: (612) 333-8844  
27 Facsimile: (612) 339-6622  
28 E-mail: dgustafson@gustafsongluek.com  
kgluek@gustafsongluek.com  
jbourne@gustafsongluek.com  
rborrelli@gustafsongluek.com

1 CUNEO GILBERT & LADUCA, LLP  
2 CHARLES LADUCA  
3 KATHERINE VAN DYCK  
4 4725 Wisconsin Ave NW, Suite 200  
5 Washington, DC 20016  
6 Telephone: 202-789-3960  
7 Facsimile: 202-789-1813  
8 E-mail: kvandyck@cuneolaw.com  
9 [charles@cuneolaw.com](mailto:charles@cuneolaw.com)

7 LITE DEPALMA GREENBERG, LLC  
8 JOSEPH DEPALMA  
9 SUSANA CRUZ HODGE  
10 570 Broad Street, Suite 1201  
11 Newark, NJ 07102  
12 Telephone: (973) 623-3000  
13 E-mail: jdepalma@litedepalma.com  
14 [scrushodge@litedepalma.com](mailto:scrushodge@litedepalma.com)  
15 ***Attorneys for Plaintiff***

13 Dated: April 3, 2018

WINSTON & STRAWN LLP

15 /s/ Ronald Y. Rothstein  
16 Ronald Y. Rothstein (admitted pro hac vice)  
17 WINSTON & STRAWN LLP  
18 35 West Wacker Drive  
19 Chicago, IL 60601  
20 Telephone: (312) 558-5600  
21 Facsimile: (312) 558-5700  
22 Email: rrothste@winston.com

21 Sean D. Meenan  
22 Jeanifer E. Parsigian  
23 Winston & Strawn LLP  
24 101 California, Street, 34<sup>th</sup> Floor  
25 San Francisco, CA 94111-5840  
26 Telephone: (415) 591-1000  
27 Facsimile: (415) 591-1400  
28 Email: smeenan@winston.com  
Email: jparsigian@winston.com

Attorneys for Defendant  
BIG HEART PET BRANDS INC.

**SIGNATURE ATTESTATION**

I, Rebecca A. Peterson, am the ECF user whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Consolidating Related Actions and Appointing A Leadership Structure for Plaintiffs. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained.

Dated: April 3, 2018

/s/ Rebecca A. Peterson  
REBECCA A. PETERSON

\*\*\*\*

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT



**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the Electronic Mail Notice for this action.

*/s/ Rebecca A. Peterson*

REBECCA A. PETERSON